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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,226	03/07/2001	Mika Aalto	25741-12522	1688
758 7590 06/26/2008 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER CHOUDHURY, AZIZUL Q				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
06/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/762,226

Applicant(s)

AALTO ET AL.

Examiner

AZIZUL CHOUDHURY

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 15-46 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Detailed Action

This office action is in response to the correspondence received on April 7, 2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeNap et al (US Patent No: 6,490,273), hereafter referred to as DeNap.

1. With regards to claims 15 and 31, DeNap teaches a method for connecting a plurality of customer premises equipment to a service provider via an Asynchronous Transfer Mode (ATM) node, the method comprising: establishing a plurality of communication sessions between the ATM node and each of a plurality of customer premises equipment (*DeNap teaches the CPE connects to the business hub (equivalent to the claimed ATM node since it uses ATM; see figures 2 and 3); see column 5, lines 45-47, DeNap*); forming a virtual connection between the ATM node and a service provider (*DeNap teaches the business hub (ATM node) connects to the metro network (equivalent to the claimed service provider, it features service nodes; see abstract) through PVC (a permanent virtual connection); see column 5, lines 53-56, DeNap*); connecting the plurality of

communication sessions to the service provider over the same virtual connection *(The CPE are connected to the metro network (service provider) through the business hub (ATM node) over the same PVC; see figures 2 and 3 and column 5, lines 45-60, DeNap); and performing routing between the customer premises equipment and the service provider via the virtual connection (Data is routed between the CPE that are connected to the metro network (service provider) through the business hub (ATM node) over the same PVC; see figures 2 and 3 and column 5, lines 45-60 and column 7, lines 39-55, DeNap).*

While DeNap teaches the use of CPE, DeNap does not explicitly cite the use of ATM nodes (equated as business hubs) or the use of service nodes. However, DeNap does teach metro networks (deemed equivalent to service nodes). DeNap describes metro networks as having service nodes to deliver services (see the 6th-7th lines of the Abstract). In addition, DeNap explains how business hubs comprise ATM capabilities (see column 5, lines 53-55, DeNap). Therefore it would have been obvious to one skilled in the art, to equate business hubs to ATM nodes and metro networks to service nodes since business hubs have ATM node capabilities and metro networks have service node capabilities.

2. With regards to claims 16 and 32, DeNap teaches the method wherein the ATM node comprises an access server function (see column 2, lines 60-61, DeNap).

3. With regards to claims 17 and 33, DeNap teaches the method wherein the access server function is a dedicated network element (see column 2, lines 60-61, DeNap)
4. With regards to claims 18 and 34, DeNap teaches the method wherein the access server function is integrated into or co-located with an ATM switch (see column 2, lines 60-61, DeNap).
5. With regards to claims 19 and 35, DeNap teaches the method wherein the access server function comprises a Digital Subscriber Line Access Multiplexer (DSLAM) (DeNap's design allows for DSL; see column 2, lines 27-28, DeNap).
6. With regards to claims 20 and 36, DeNap teaches the method wherein the virtual connection comprises a permanent virtual connection (see column 2, line 10, DeNap).
7. With regards to claims 21 and 37, DeNap teaches the method wherein the virtual connection comprises a switched virtual connection (see column 2, lines 23-25, DeNap).

8. With regards to claims 22 and 38, DeNap teaches the method wherein the service provider is an Internet service provider (ISP) (see column 5, lines 27-28, DeNap).
9. With regards to claims 23 and 39, DeNap teaches the method wherein the service provider is a content provider (An ISP is a content provider; see column 5, lines 27-28, DeNap).
10. With regards to claims 24 and 40, DeNap teaches the method wherein the service provider is a corporate network server (An ISP is a corporate network server; see column 5, lines 27-28, DeNap).
11. With regards to claims 25 and 41, DeNap teaches the method wherein one or more of the communication sessions between the customer premises equipment and the ATM node are established via a permanent virtual connection formed between the ATM node and a network termination point associated with each customer premises equipment (see column 2, lines 7-29, DeNap).
12. With regards to claims 26 and 42, DeNap teaches the method further comprising: provisioning a pool of permanent virtual connections between the ATM node and the service provider; and selecting a permanent virtual connection from the pool of permanent virtual connections to be used for a plurality of the consumer

premises equipment, the selected permanent virtual connection being used by the connecting step to connect communication sessions to the service provider (see column 2, lines 7-14, DeNap).

13. With regards to claims 27 and 43, DeNap teaches the method further comprising: establishing a tunneling protocol between each of one or more of the customer premises equipment and the ATM node (see column 13, line 13, DeNap).

14. With regards to claims 28 and 44, DeNap teaches the method wherein the tunneling protocol comprises the Layer 2 Tunneling Protocol (L2TP) (see column 13, lines 14-15, DeNap).

15. With regards to claims 29 and 45, DeNap teaches the method further comprising: receiving at the ATM node a selection of the service provider from a customer premises equipment via an integrating signaling protocol (see column 5, lines 52-54, DeNap).

16. With regards to claims 30 and 46, DeNap teaches the method further comprising: selecting the service provider by signaling from the ATM node (see column 4, lines 28-59 and column 5, lines 52-54, DeNap).

17. The obviousness statement applied to claims 15 and 31 are applicable to their respective dependent claims.

Response to Arguments

The amendment filed April 7, 2008 has been carefully considered but is not deemed fully persuasive. All of the previous claims (claims 1-14) have been cancelled and new claims 15-46 stand within the application. In lieu of the new claims, a new search has been conducted, a new art has been found and the current office action has been compiled.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./

Examiner, Art Unit 2145

/Jason D Cardone/

Supervisory Patent Examiner, Art Unit 2145